



**REPORT OF THE AUDITOR OF PUBLIC ACCOUNTS
AUDIT EXAMINATION OF THE
FORMER EDMONSON COUNTY
SHERIFF'S SETTLEMENT - 1997 TAXES**

As of July 28, 1998

**EDWARD B. HATCHETT, JR.
AUDITOR OF PUBLIC ACCOUNTS
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Edward B. Hatchett, Jr.
Auditor of Public Accounts

To the People of Kentucky
Honorable Paul E. Patton, Governor
John P. McCarty, Secretary
Finance and Administration Cabinet
Sarah Jane Schaaf, Secretary, Revenue Cabinet
Honorable N. E. Reed, County Judge/Executive
Honorable Billy Joe Honeycutt, Edmonson County Sheriff
Honorable James Holder, Former Edmonson County Sheriff
Members of the Edmonson County Fiscal Court

Independent Auditor's Report

We have audited the former Edmonson County Sheriff's Settlement - 1997 Taxes as of July 28, 1998. This tax settlement is the responsibility of the former Edmonson County Sheriff. Our responsibility is to express an opinion on the financial statement based on our audit.

We conducted our audit in accordance with generally accepted auditing standards, Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. These standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

The Sheriff prepares his financial statement on a prescribed basis of accounting that demonstrates compliance with the cash basis and laws of Kentucky, which is a comprehensive basis of accounting other than generally accepted accounting principles.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the former Edmonson County Sheriff's taxes charged, credited, and paid as of July 28, 1998, in conformity with the basis of accounting described in the preceding paragraph.

Based on the results of our audit, we have presented a schedule of Comments and Recommendations, included herein, which discusses the following area of noncompliance.

- The Former Sheriff Should Have Required Depository Institution To Pledge Additional Securities Of \$59,658 As Collateral To Protect Deposits

To the People of Kentucky

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Finance and Administration Cabinet

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Members of the Edmonson County Fiscal Court

In accordance with Government Auditing Standards, we have also issued a report dated March 26, 1999, on our consideration of the former Sheriff's compliance with certain laws and regulations and internal control over financial reporting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a long horizontal flourish extending to the right.

Edward B. Hatchett, Jr.

Auditor of Public Accounts

Audit fieldwork completed -

March 26, 1999

EDMONSON COUNTY
JAMES HOLDER, FORMER SHERIFF
SHERIFF'S SETTLEMENT - 1997 TAXES

As of July 28, 1998

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 212,676	\$ 205,438	\$ 850,705	\$ 351,476
Tangible Personal Property	6,801	5,843	15,105	12,174
Intangible Personal Property				3,578
Fire Protection	1,244			
Franchise Corporation	33,887	28,687	77,234	
Omitted Bank Shares	376	289		1,447
Additional Billings	61	94	307	121
Increased Through Erroneous Assessments	58	62	177	69
Penalties	3,091	2,876	12,291	5,097
Adjusted to Sheriff's Receipt	<u>(19)</u>	<u>14</u>	<u>(22)</u>	<u>(12)</u>
Gross Chargeable to Sheriff	<u>\$ 258,175</u>	<u>\$ 243,303</u>	<u>\$ 955,797</u>	<u>\$ 373,950</u>
<u>Credits</u>				
Discounts	\$ 2,587	\$ 2,546	\$ 10,142	\$ 4,387
Exonerations	2,932	2,545	9,584	2,241
Delinquents:				
Real Estate	6,593	6,026	26,330	10,878
Tangible Personal Property	169	135	374	300
Intangible Personal Property				1
Uncollected Franchise	<u>1,288</u>	<u>1,675</u>	<u>10,728</u>	
Total Credits	<u>\$ 13,569</u>	<u>\$ 12,927</u>	<u>\$ 57,158</u>	<u>\$ 17,807</u>
Net Tax Yield	\$ 244,606	\$ 230,376	\$ 898,639	\$ 356,143
Less: Commissions *	<u>10,683</u>	<u>9,401</u>	<u>33,699</u>	<u>15,423</u>
Net Taxes Due	\$ 233,923	\$ 220,975	\$ 864,940	\$ 340,720
Taxes Paid	233,140	219,899	861,830	341,382
Refunds (Current and Prior Year)	<u>719</u>	<u>996</u>	<u>2,682</u>	<u>87</u>
Due Districts or (Refunds Due Sheriff)		**		
as of Completion of Fieldwork	<u>\$ 64</u>	<u>\$ 80</u>	<u>\$ 428</u>	<u>\$ (749)</u>

* and ** See Page 4

EDMONSON COUNTY
 JAMES HOLDER, FORMER SHERIFF
 SHERIFF'S SETTLEMENT - 1997 TAXES
 As of July 28, 1998
 (Continued)

* Commissions:

10% on	\$	10,000
4.25% on	\$	664,992
4% on	\$	156,133
3.75% on	\$	898,639

** Special Taxing Districts:

Library District	\$	27
Ambulance District		63
City of Brownsville District		(9)
Big Reedy Watershed District		(1)

Due Districts or (Refunds Due Sheriff)	\$	<u>80</u>
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The accompanying notes are an integral part of the financial statement.

EDMONSON COUNTY
NOTES TO FINANCIAL STATEMENT
July 28, 1998

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The former Sheriff maintained deposits with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to law, the depository institution should pledge sufficient securities as collateral which, together with FDIC insurance, equals or exceeds the amount on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge of securities should be evidenced by an agreement that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. This agreement, signed by both parties, must be sufficient to create an enforceable and perfected security interest in the collateral under Kentucky law. The former Sheriff entered into a written agreement with the depository institution and met requirements (a), (b), and (c) stated above. However, as of December 5, 1997, the uncollateralized amount on deposit was \$59,658. The pledged securities and FDIC insurance did not equal or exceed the amount on deposit.

EDMONSON COUNTY
 NOTES TO FINANCIAL STATEMENT
 July 28, 1998
 (Continued)

Note 2. Deposits (Continued)

The county official's deposits are categorized below to give an indication of the level of risk assumed by the county official at as of December 5, 1997.

	<u>Bank Balance</u>
Collateralized with securities held by the county official's agent in the county official's name	\$ 0
Collateralized with securities held by pledging depository institution in the county official's name	800,000
Uncollateralized and uninsured	<u>59,658</u>
Total	<u>\$ 859,658</u>

Note 3. Property Taxes

The real and personal property tax assessments were levied as of January 1, 1997. Property taxes were billed to finance governmental services for the year ended June 30, 1998. Liens are effective when the tax bills become delinquent. The collection period for these assessments was October 21, 1997 through July 10, 1998.

Note 4. Interest Income

The former Edmonson County Sheriff earned \$2,956 as interest income on 1997 taxes. The former Sheriff distributed the appropriate amount to the school district as required by statute, and the remainder will be used to operate the former Sheriff's office.

Note 5. Unrefundable Duplicate Payments And Unexplained Receipts Should Be Escrowed

The former Sheriff should have deposited any unrefundable duplicate payments and unexplained receipts in an interest-bearing account. According to KRS 393.110, the Sheriff's office should properly report annually to the Treasury Department any unclaimed moneys. After seven years, if the funds have not been claimed, the funds should be submitted to the Kentucky State Treasurer. The former Sheriff had \$288 for 1997 taxes, \$776 for 1996 taxes, \$519 for 1995 taxes, and \$296 for 1994 taxes in unrefundable duplicate payments and unexplained receipts. The former Sheriff has deposited \$1,415 to an interest-bearing account. Therefore, the former Sheriff should deposit \$288 for 1997 taxes and \$176 for 1995 taxes into the interest-bearing account. Also, the Sheriff's office should send a written report to the Treasury Department.

COMMENTS AND RECOMMENDATIONS

EDMONSON COUNTY
JAMES HOLDER, FORMER SHERIFF
COMMENTS AND RECOMMENDATIONS
As of July 28, 1998

STATE LAWS AND REGULATIONS:

The Former Sheriff Should Have Required Depository Institution To Pledge Additional Securities Of \$59,658 As Collateral To Protect Deposits

The former Sheriff's deposits were not adequately secured by \$59,658 as of December 5, 1997. Under provisions of KRS 66.480(1)(d) and KRS 41.240(4), banks are required to provide pledges of securities as collateral for interest-bearing and noninterest-bearing deposits if either exceeds the \$100,000 amount of insurance coverage provided by the Federal Deposit Insurance Corporation. We recommend that the Sheriff's office require the depository institution to pledge sufficient securities as collateral to protect deposits at all times.

Management's Response:

After being advised pledges were not adequate, we took steps to meet standards.

PRIOR YEAR:

The former Sheriff should have required the depository institution to pledge sufficient securities as collateral to protect deposits. This finding was not corrected and is reported above.

REPORT ON COMPLIANCE
AND ON INTERNAL CONTROL OVER FINANCIAL
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



Edward B. Hatchett, Jr. Auditor of Public Accounts

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Honorable Billy Joe Honeycutt, Edmonson County Sheriff
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Report On Compliance And On Internal Control Over Financial Reporting Based On An Audit Of The Financial Statement Performed In Accordance With Government Auditing Standards

We have audited the former Edmonson County Sheriff's Settlement – 1997 Taxes as of July 28, 1998, and have issued our report thereon dated March 26, 1999. We conducted our audit in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the former Edmonson County Sheriff's Settlement – 1997 Taxes as of July 28, 1998 is free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards. However, there was an immaterial noncompliance, which is described, in the accompanying schedule of Comments and Recommendations, included herein.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the former Edmonson County Sheriff's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

Honorable N. E. Reed, County Judge/Executive
Honorable Billy Joe Honeycutt, Edmonson County Sheriff
Honorable James Holder, Former Edmonson County Sheriff
Members of the Edmonson County Fiscal Court
Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

This report is intended for the information of management. However, this report, upon release by the Auditor of Public Accounts, is a matter of public record and its distribution is not limited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a long horizontal flourish extending to the right.

Edward B. Hatchett, Jr.
Auditor of Public Accounts

Audit fieldwork completed -
March 26, 1999

